EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERALD HAYDEN,

     Plaintiff,

       v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION, PABLO
SUAREZ and SHANKER
RAMAMURTHY,

     Defendants.

Case No. 7:21-CV-02485-VB

PLAINTIFF GERALD HAYDEN'S
SUPPLEMENTAL DOCUMENT DEMANDS TO DEFENDANTS
PURSUANT TO FRCP 34

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff Gerald Hayden

("Plaintiff"), propounds the following Supplemental Set of Document Demands upon Defendants,

International Business Machines Corporation, Pablo Suarez and Shanker Ramamurthy ("IBM,

Suarez and Ramamurthy" and collectively "Defendants"). Defendants shall respond within thirty

(30) days of the date of service.

DEFINITIONS

1.   "IBM" or "the Company" means and refers to Defendant, International Business

Machines Corporation, and all employees, representatives, attorneys, accountants, subsidiaries,

divisions, merged or acquired predecessors, present and former officers, agents, and all other

persons, including past or present employees, acting or purporting to act on behalf of it or its

subsidiaries or predecessors.

2.   "You" or "Yours" refers to International Business Machines Corporation ("IBM").

3.   "Document" is synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A).   This term includes the original, all drafts and non-identical copies (whether different from the original because of notes made on such copy or otherwise) of every writing or record, however produced, reproduced, or preserved, including but not limited to every book, pamphlet, periodical, letter, drawing, graph, chart, photograph, voice record, memorandum, telegram, report, record, contract, deposition transcript, memorandum or notes, including those reflecting an oral communication, handwritten or other notes, diary entry, calendar, minutes, notes from a meeting, financial statement, financial report, income statement, balance sheet, bank record, voucher, invoice, tabulation, tape, videotape, disc, electronic mail, e-mail, electronic document, Internet communication, computer printout and every other written, typed, recorded, transcribed, filed, graphic or electronically maintained matter.

4.   "Person" or "persons" includes a natural person, firm, association, partnership, business, trust, corporation, proprietorship, agency, public entity, group, organization or group of persons.

5.   "Concerning" shall be construed in the broadest sense and shall include documents and things reflecting, relating to, alluding to, pertaining to, mentioning, discussing, describing, commenting on, supporting and/or contradicting the subject matter of the request.

6.   The use of the singular shall include the plural.

7.   "And" and "or" shall be construed conjunctively or disjunctively as necessary to make these demands inclusive rather than exclusive.

8.   "Each," "every," "any," and "all" mean each and every.

9.   "Identify" with respect to any natural person means to state that person's full name, present employer and position held, last known address, telephone number and email address, and a description of each such person's connection or basis for having knowledge of the information sought by the demand.

10.   "Identify" with respect to a company means to state the company's correct legal name, the primary trade name used by the company, the company's address, and the natural person who would have knowledge of the information sought by the demand.

11.   "Identify" with respect to a document means to provide the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege: the title or other means of identification of each such document; the date of each such document; the author of each such document; the recipient or recipients of each such document; the present location of any and all copies of each such document; the names and current addresses of any and all persons who have custody or control of each such document and copies thereof; and if all copies of the document have been destroyed, the names and current addresses of the person or persons authorizing the destruction of the document and the date the document was destroyed.

INSTRUCTIONS

1.   The demands set forth below shall be deemed to be continuing so as to require supplemental responses in accordance with the Federal Rules of Civil Procedure. The demands should not be construed in a manner that narrows them in any way. The terms "all" and "any" shall be construed as synonymous with the term "every" and shall be all-inclusive. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the demand all information that might otherwise be construed to be outside its scope. The use of the singular form of any word includes the plural and vice versa. In addition, the use of any tense

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of any verb includes all other tenses of the verb. Wherever the word "including" appears, the meaning intended is "including, but not limited to."

2.   If Defendants cannot provide a full and complete response to any demand, Defendants should respond to the demand to the extent possible, specifying the portion of the demand Defendants is unable to answer and providing whatever information Defendants has regarding the unanswered portion. Where responses are not provided on grounds of any privilege or immunity, Defendants are to identify the nature of the privilege or immunity being claimed and provide the facts that constitute the basis on which such privilege is claimed.

3.   Please produce documents in the following formats:

- Images should be produced as single page TIFF group IV format imaged at 300dpi, or single page .jpegs for any color images. All images should be named by bates number and a corresponding OPT load file is required.

- Native files should be provided where imaging is not possible, they should be named by bates number. Please produce all spreadsheets in native form.

- Extracted full text (OCR text): The extracted full text should be delivered on a document level named by starting bates number.

- Provide a standard delimited .DAT file containing paths for the native files and document-level text file along with any associated metadata and production bates information.

4.   If You do not produce Documents in response to these Requests for Production, in whole or in part, on the grounds of privilege, then produce a privilege log having all information You are relying on for Your claim of privilege and sufficient to assess your privilege claim, including for each such document (i) the date, (ii) the author, (iii) all recipients, (iv) which

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authors and recipients are attorneys, legal counsel, or otherwise acting in a legal capacity (v) a general description of the subject matter of the Document, (vi) the privileges claimed (attorney-client, work product, and any others) and all bases of the privileges claimed, and (vii) all other information you are relying upon for your privilege claim.

5.   Consistent with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure, Your document production must be promptly supplemented as new or additional Documents are identified or created that are responsive to these Requests for Production.

6.   Unless otherwise specified, all demands seek information beginning on January 1, 2015 through the present (the "Relevant Period").

SUPPLEMENTAL DOCUMENT DEMANDS TO DEFENDANTS

1.   According to Arvind Krishna, IBM Chairman and CEO, in 2021 more than 3,800 clients were using IBM's platform-centric strategy on a hybrid cloud platform. *See* DB_00014023. **Produce documents sufficient to identify the names of these clients and if available which ones are classified by IBM as financial services industry clients.**

2.   Produce all contracts or written agreements with the financial services industry clients identified in response to the preceding request from 2018 to the present. If IBM had contracts or written agreements with any of these clients, prior to 2018, include documents sufficient to identify the value of those contracts.

3.   Produce documents sufficient to identify (a) the sales/revenues of, (b) product/solution deliverables to, and (c) costs incurred (by product/solution if available) from the sale of products/solutions to the financial services industry clients identified in response to the preceding document requests.

4.   Produce documents sufficient to identify all client wins that IBM attributes to Intelligent Workflows. *See e.g.* IBM-HAYDEN-000816880 (client examples at IBM-HAYDEN-000816898, -000816899, -000816900); IBM-HAYDEN-000834920 (client examples at IBM-HAYDEN-000834922); IBM-HAYDEN-000463462 (client examples at IBM-HAYDEN-000463478, -0000463480, -000463481, -000463485).

5.   Produce documents sufficient to identify any licensing of the Cognitive Enterprise or Intelligent Workflows, and the terms of such licensing.

6.   According to IBM, IBM Garage (a.k.a. iX Garage or iX) coordinates the installation, deployment or development of Intelligent Workflows for particular clientele. *See e.g.* IBM-HAYDEN-000832110; IBM-HAYDEN-000837177; IBM-HAYDEN-000827964.

Produce documents sufficient to identify all clients in financial services (e.g. banking, insurance, fintech) that IBM Garage (a.k.a. iX Garage, or iX) provided services to that incorporate Intelligent Workflows.

7. **Produce documents sufficient to identify all revenues related to deliverables which include Intelligent Workflows from (a) IBM Consulting, and (b) IBM Garage for services to financial services industry clientele (e.g. banking, insurance, fintech).**

8. **Produce documents sufficient to describe the features, functions, and architectures of the following offerings to financial services industry clients (e.g. banking, insurance, fintech) and in particular if the products integrate workflows the manner in which such integrations are achieved.**

    a. **IBM Cloud for Financial Services** – *see e.g.* IBM-HAYDEN-000944122; IBM-HAYDEN-00094489; GH_00005831.

    b. **IBM Open Banking Platform** – *see e.g.* IBM-HAYDEN-000377184; IBM-HAYDEN-001476074.

    c. **IBM Business Process Platform** – *see e.g.* IBM-HAYDEN-000605740; IBM-HAYDEN-000605883.

    d. **IBM Hybrid Cloud Platform** – *see e.g.* IBM-HAYDEN-000478444; *see also* https://www.ibm.com/downloads/cas/QMRQEROB

    e. **IBM Cognitive Enterprise** – *see e.g.* IBM-HAYDEN-001434998; IBM-HAYDEN-001354537; IBM-HAYDEN-001354457.

    f. **IBM Intelligent Workflows** – *see e.g.* IBM-HAYDEN-000824354; IBM-HAYDEN-001202575; IBM-HAYDEN-000410707; IBM-HAYDEN-000433307; IBM-HAYDEN-00149341; IBM-HAYDEN-000815027; IBM-HAYDEN-000657847; IBM-HAYDEN-000410707; IBM-HAYDEN-001806479; IBM-HAYDEN-000821586; IBM-HAYDEN-001675009.

    g. **IBM Cloud Paks** – *see e.g.* IBM-HAYDEN-000462690; IBM-HAYDEN-001645846; IBM-HAYDEN-001067200; IBM-HAYDEN-001900069

        i. **Cloud Pak for Data** – *see e.g.* IBM-HAYDEN-000462690; IBM-HAYDEN-001645846; IBM-HAYDEN-001067200

        ii. **Cloud Pak for Integration** – *see e.g.* IBM-HAYDEN-000462690; IBM-HAYDEN-001067200

        iii. **Cloud Pak for Multicloud Management** – *see e.g.* IBM-HAYDEN-000462690

        iv. **Cloud Pak for Security** – *see e.g.* IBM-HAYDEN-000462690; IBM-HAYDEN-001067200

      v.   **Cloud Pak for Watson AIOps** – *see e.g.* IBM-HAYDEN-001651215; IBM-HAYDEN-001067200

      vi.   **Cloud Pak for Applications** – *see e.g.* IBM-HAYDEN-000462690

      vii.   **Cloud Pak for Network Automation** – *see e.g.* IBM-HAYDEN-001067200

      viii. **Cloud Pak for Automation** – *see e.g.* IBM-HAYDEN-000462690; IBM-HAYDEN-001645846; IBM-HAYDEN-001067200

h. **IBM Planning Analytics** – *see e.g.* IBM-HAYDEN-000824410; IBM-HAYDEN-000857014; IBM-HAYDEN-000402439; *see also* https://www.ibm.com/products/planning-analytics

i. **IBM Cognos Analytics** – *see e.g.* IBM-HAYDEN-000824410; IBM-HAYDEN-000581847; *see also* https://www.ibm.com/products/cognos-analytics

j. **IBM Watson Studio** – *see e.g.* IBM-HAYDEN-00100181; IBM-HAYDEN-001645846; IBM-HAYDEN-001067200; *see also* https://www.ibm.com/products/watson-studio

k. **IBM Watson Discovery** – *see e.g.* IBM-HAYDEN-001645846; IBM-HAYDEN-001067200; *see also* https://www.ibm.com/products/watson-discovery

l. **IBM Watson Assistant** – *see e.g.* IBM-HAYDEN-001067200

m. **RedHat OpenShift** – *see e.g.* IBM-HAYDEN-001405015; IBM-HAYDEN-001900069; *see also* https://www.ibm.com/products/openshift

n. **RedHat Marketplace** – *see e.g.* IBM-HAYDEN-001553710; *see also* https://marketplace.redhat.com/en-us

o. **IBM Bluewolf Lightning Bolt products -** – *see e.g.* GH_00016473.

p. **Any IBM product partnered with Deloitte offering a real time balance sheet and integrated workflows.** – *see* https://www2.deloitte.com/us/en/pages/about-deloitte/solutions/ibm-alliance-offerings.html

9.   Produce documents sufficient to identify revenue IBM earned and costs associated with such revenues (by product/solution, if available) from each of the offerings in the preceding request for the period January 2018 to date, and to the extent IBM keeps such records, records that IBM attributes to products or solutions incorporating Intelligent Workflows.

10. Produce all IBM partnership agreements with the following entities from 2018 to the present concerning Cognitive Enterprise, Intelligent Workflows, integrating workflows, real time balance sheet management, banking platforms, hybrid cloud or

customer relations management (CRM) which incorporates public, private or proprietary data:

    a. **Salesforce** – *see e.g.* IBM-HAYDEN-001342346; IBM-HAYDEN-000864886; *see also* https://www.ibm.com/case-studies/ibm-salesforce

    b. **ServiceNow** – *see e.g.* IBM-HAYDEN-001900069; IBM-HAYDEN-000864886; IBM-HAYDEN-000438088; *see also* https://www.ibm.com/consulting/servicenow

    c. **Deloitte** – *see e.g.* IBM-HAYDEN-001437412; *see also* https://www2.deloitte.com/us/en/pages/about-deloitte/solutions/deloitte-technology-alliances-ibm.html

    d. **SAP** – *see e.g.* IBM-HAYDEN-001900069; IBM-HAYDEN-000864886; IBM-HAYDEN-000626403; IBM-HAYDEN-000438088.

    e. **Knowis** – *see e.g.* IBM-HAYDEN-000388089; IBM-HAYDEN-001724747.

    f. **Adobe** – *see e.g.* IBM-HAYDEN-000626403; IBM-HAYDEN-000438088.

    g. **Microsoft** – *see e.g.* IBM-HAYDEN-000438088; IBM-HAYDEN-000433707; *see also* https://azuremarketplace.microsoft.com/en-us/marketplace/consulting-services/ibm-alliance-usa-ny-armonk-dtt-6418595.ibm_intelligent_workflows_on_azure

    h. **Amazon Web Services** – *see e.g.* IBM-HAYDEN-001900069; *see also* https://developer.ibm.com/series/ibm-and-aws-accelerate-your-hybrid-cloud-solution-with-ibm-and-aws-technologies/

    i. **Celonis** – *see e.g.* IBM-HAYDEN-001573331.

    j. **Cisco** – *see e.g.* IBM-HAYDEN-001847808.

11. For each partnership agreement produced in response to the preceding request, produce documents sufficient to identify (a) the products/solutions developed , and (b) the revenues and costs from such partnerships (by product/solution, if available). If IBM created profit and loss statements for such agreements, include them.

12. Run the search term "Cloud Pak" in the custodian collections and produce documents sufficient to identify the individual(s) responsible for creating Cloud Pak products.[1]

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[1] To the extent the term "Cloud Pak" does not identify documents responsive to this request in the Custodian Colletions, Plaintiff reserves the right to propose an alternative search.

13. Produce documents that refer or relate to studies performed by or for IBM concerning the value of its Cognitive Enterprise and/or Intelligent Workflow marketing strategies, products or solutions. *See e.g.* IBM-HAYDEN-000568078.

14. Produce documents sufficient to identify when and why IBM decided to acquire (a) RedHat and (b) Truqua, including documents presenting reasons for the acquisition of RedHat and Truqua, and the date IBM first considered the acquisition of RedHat and Truqua. *See e.g.* IBM-HAYDEN-001362792; IBM-HAYDEN-000442195.

15. Produce documents sufficient to (a) identify IBM's compensation policies for executives at or above Plaintiff's level; and (b) identifying the amount of compensation paid to Mark Foster, Shanker Ramamurthy, Pablo Suarez, Howard Boville between 2018 and the present, including any additional bonuses or compensation for work related to Cognitive Enterprise, Intelligent Workflows, or a banking platform, and the names of the persons who made such compensation decisions, and the basis for such compensation.

16. Produce the 2017, 2018 and 2019 calendars of:

    a. **Mark Foster**

    b. **Shanker Ramamurthy**

    c. **Pablo Suarez**

    d. **Tom Eck**

    e. **Anthony Lipp**

    f. **William Fuessler**

17. Produce every email to/from Shanker Ramamurthy and separately to/from Pablo Suarez from January 1, 2017 through March 31, 2018 that refers or relates to Industry Platforms or the 2017 or 2018 Fall Plans.

18. Produce every email to/from Shanker Ramamurthy and separately to/from Pablo Suarez and separately to/from Peter Korsten, from January 1, 2019 to the present that contains the words "Cognitive Enterprise" or "Intelligent Workflows".

19. Produce all documents for which Ramamurthy is custodian including his notebooks which refer or relate to the presentations made by Ramamurthy on February 1, 2018 and February 2, 2018 regarding platforms. *See e.g.* DB_00015000; DB_00015001; DB_00015096.

20. Produce all documents for which Ramamurthy is custodian including his notebooks for 2019 and 2020 which refer or relate to the "Cognitive Enterprise" or "Intelligent Workflows."

21. Produce all emails in the custodian collections that mention any of the following from 2018 to the present:

    a. **Cognitive Enterprise, Weekly Reviews.** *See e.g.* IBM-HAYDEN-000816880.

    b. **Core Banking and Payments, Weekly Updates.** *See e.g.* IBM-HAYDEN-000463462.

    c. **Core Banking and Payments Strategy, Steering Team Updates or Strategy Documents.** *See e.g.* IBM-HAYDEN-000435974.

22. Produce all ROI (Return On Investment) reports created by IBM's Institute for Business Value (IBV) concerning pertaining to publications that involve Open Banking Platform, Cognitive Enterprise, Intelligent Workflows. Plaintiff is informed that IBV looks at the number of customer leads generated by its publications and publishes that amount in ROI reports for each publication; such reports are requested.

23. Produce market analyses created for Cognitive Enterprise or Intelligent Workflows from 2018 to present.

24. IBM projected that "The IBM Cloud Paks market is expected to exceed $300B by 2023". *See* DB_00014082. **Produce the documents or data that were used or relied upon to make this projection.**

25. According to Arvind Krishna, IBM Chairman and CEO, as of January 24, 2022, hybrid cloud revenue was 20.2 billion, up 19%. *See* DB_00014023. **Produce the documents or data that were used or relied upon to make this statement.**

26. Produce documents sufficient to identify the revenues that IBM generated from the patents listed in Plaintiff's responses to Interrogatory No. 24.

STONE & MAGNANINI LLP

Dated: August 17, 2023   By: <u>*/s/ David S. Stone*</u>

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be

served on all counsel of record, electronically via email.

Date: 08/17/2023

<div align="right">

/s/ Julio C. Gomez
Julio C. Gomez

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